

1904-068 Chancery Causes: John M. Wooliver vs. W. R. Poteet &c
Lee Co.

CA-Debt
T-Property

VIRGINIA, LEE CIRCUIT COURT.

John M. Wolliver,

Plaintiff,

vs.

W. R. Poteet, et al/,

Defendants.

To the Hon. H. A. W. Skeen, Judge of the said Court:

Humbly complaining your orator, John M. Wolliver, would respectfully represent and show unto your honor, that on the ____ day of _____, 189__, a judgment was rendered by H. C. Joslyn, a Justice of the Peace of said County, against W. R. Poteet, L. B. Poteet, Nimrod Poteet, and your orator for the sum of \$89.97, with interest thereon from December 6th, 1894 until paid, and \$2.50 cost. Upon this judgment an execution was issued and placed in the hands of J. B. Sufflebarger, constable of said County for collection, and on which judgment the said W. R. Poteet paid \$10.00, on the 17th day of March 1894, and \$1.75 April 30th, 1894, ~~and \$2.00 as of January 1st, 1895.~~ The said Nimrod Poteet paid on said judgment \$5.60 November 2nd/, 1895, and on said judgment your orator paid the following sums, to-wit: \$10.00 Jan. 8th, 1895; \$7.00 Sep. 16th, 1895; \$5.00 Sep. 16th, 1895; \$3.81 October 10th, 1895; \$1.00 Dec. 16th, 1895; \$8.00 Feb. 8th, 1896, and \$46.20 March 26th, 1898. The last payment being the balance in full of the said judgment. This judgment was rendered on a note executed by the said W.R. Poteet as principal to C.E. Flanary, Administrator of _____ Spencer, deceased, which note waived the benefit of the homestead exemptions, and the said L. B. Poteet, Nimrod Poteet and your orator ^{were} ~~are~~ sureties on said note. After your orator had paid the above mentioned sums amounting in the aggregate to \$81.01, the said Nimrod Poteet paid to your orator the sum of \$25.00, December 6th, 1898, by executing his note for that sum, which note has been nearly paid, and any way is a credit on the amount paid by your orator as surety on said debt.

Your orator will further represent and show unto your honor that the said W.R. Poteet is insolvent so far as personal

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property is concerned, and that the said L. B. Poteet is a non-resident of this state and is entirely insolvent there, and that the said Nimrod Poteet is also insolvent, but it will be observed that the said Nimrod Poteet has about paid his one-third of the said debt as co-surety. The said judgment was assigned to your orator by the said Flanary, administrator as aforesaid, on the 26th day of March 1898. A copy of said judgment and of the docketing of the same, and of the said assignment are herewith filed as parts hereof marked "A" "B" & "C" respectively. No part of the payment made by your ~~said~~ orator on said judgment has been repaid to him by said W.R. Poteet or any one else, except the said sum of \$25.00 paid him by the said Nimrod Poteet December 6th 1898, and a sum of \$2.00 paid him by the said W. R. Poteet as of January 2nd, 1895, and the same amounting in the aggregate to \$81.01 remaining unpaid except as to the above ^{last} ^{two} mentioned credits.

The said W. R. Poteet is the owner of a certain tract of parcel of land lying and being in the said County, containing six acres more or less, and adjoining the lands of John J. Bryant and others, and on or near the main road about four miles east of Jonesville, and which tract of land was conveyed to the said W. R. Poteet by John J. Bryant and wife by deed bearing ^{date} on the _____ day of July, 1904, which deed was duly executed and delivered to the said W. R. Poteet, and which deed has not been placed upon record by said Poteet, but remains in his possession.

Now, the object of this suit is, to subject the said tract of land belonging to the said W. R. Poteet to sale for the payment of the amount thus paid by your orator on said judgment, and for that purpose to have your orator substituted to all the rights and benefits of the said judgment against said land, and that as the said W.R. Poteet was the principal debtor in said note, to have the said land thus subjected without your orator proceeding, even by publication, against the said L. B. Poteet, who is a non-resident, and being only

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only a co-surety with your orator and the said Nimrod Poteet, and being entirely insolvent in this state. To this end your orator makes the said W. R. Poteet, L. B. Poteet and Nimrod Poteet parties defendants to this bill, the said L. B. Poteet being only a nominal party thereto, and asks that they, except the said L. B. Poteet, be required to answer the same, but not on oath, answer upon oath being expressly waived, and that the said W. R. Poteet be compelled to have the said deed recorded in the clerk's office of this county, and that upon a hearing your orator prays that the said tract of land, or ^a sufficiency thereof, be sold to re-~~em~~burse him the amount he has paid on said judgment, together with the cost of this suit and expense of sale, and that your honor will grant unto your orator all such other, further and general relief as he may be entitled to in the premises. And he will ever pray &c.

Wm. R. Poteet

Costs:

Clerk \$2.61
att. 15.00
Shff. 1.00
Tax 1.50 D.
\$20.11

John M Woolner
vs Bill in Chancery.
W. R. Pate et al

1904 2nd Aug. Rules,
dismissed by Plaintiff
iff. Having been
settled between
the parties. by
Deed of Trust

The Commonwealth of Virginia,

To the Sheriff of the County of ^{Hise} ~~Lee~~, Greeting:

WE COMMAND YOU, That you summon W. R. Patteit, L. B.
Patteit and Minrod Patteit

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the 3rd Monday in Aug., 1904, to answer a
bill in chancery exhibited against them in our said court by

John M. Woolison

And have then there this writ. Witness, H. C. T. Ewing
A. B. MUNSEY, Clerk of our said Court,
at the court-house, the 4th day of Aug., 1904, and in the 129th
year of the Commonwealth.

a copy, Teste:

H. C. T. Ewing Clerk.

H. C. T. Ewing, Clerk.

vs.

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SUBPEONA
IN CHANCERY.

p. q.

To Rules.

..... Court.

For

H. R. Patent.

The Commonwealth of Virginia,

To the Sheriff of the County of ^{Nice} ~~Lee~~, Greeting:

WE COMMAND YOU, That you summon H. R. Poter, L.B.
Poter and Nimrod Poter

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the 3rd Monday in Aug, 1904, to answer a
bill in chancery exhibited against them in our said court by
John M. Wooliver

H. C. T. Ewing
And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court,
at the court-house, the 4th day of August, 1904, and in the 12 9th
year of the Commonwealth.

H. C. T. Ewing, Clerk.

John M. Woolion

vs.

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SUBPEONA

IN CHANCERY.

H. B. Potent et al

Gra & Noel p. q.

To 2nd Aug Rules.
Circuit Court.

Not Executed could
not be found in
my County -

This 13. day of Aug 1904

E. H. Kiser SWC

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *H. B. Poter, L. B. Poter and Nimrod Poter*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *3rd* Monday in *Aug.*, 190*4*, to answer a bill in chancery exhibited against *them* in our said court by

John M. Halliwell

And have then there this writ. Witness, *A. C. T. Ewing*, ~~A. B. MUNSEY~~, Clerk of our said Court, at the court-house, the *4th* day of *Aug.*, 190*4*, and in the 12 *9th* year of the Commonwealth.

A copy,

Testi;
A. C. T. Ewing, Clerk,

A. C. T. Ewing, Clerk.

vs.

}

SUBPEONA
IN CHANCERY.

p. q.

To Rules.

..... Court.

For
L. B. Pratt.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *H. R. Poter, L. B.*
Poter and Nimrod Poter

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the *3rd* Monday in *Aug*, 190*4*, to answer a
bill in chancery exhibited against *them* in our said court by
John M. Holliver

A. B. Munsey
And have then there this writ. Witness, *A. B. MUNSEY*, Clerk of our said Court,
at the court-house, the *4th* day of *August*, 190*4*, and in the *129th*
year of the Commonwealth.

A. B. Munsey, Clerk.

John M. Woolson

vs.

SUBPEONA
IN CHANCERY.

H. B. Poter et al

Orn & Noel p. q.

To 2nd Aug. Rules.
Circuit Court.

Executed by delivering an
attested office copy of
the within writ to
Nimrod Poter not executed
further L B Poter being a
nonresident and W R Poter
being in Wise Co Va
August-6 1904

P. M. Ball S R